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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,104	09/12/2003	Albert Nielsen	81044204	9103

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DEARBORN, MI 48126

EXAMINER

LE, DAVID D

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/662,104	Applicant(s) NIELSEN, ALBERT	
	Examiner David D. Le	Art Unit 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 7-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/12/03</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. This is the first Office action on the merits of Application No. 10/662,104, filed on 12 September 2003. Claims 1-18 are pending.

**Documents**

2. The following documents have been received and filed as part of the patent application:

- Information Disclosure Statement, received on 09/12/03

***Election/Restrictions***

3. This application contains claims directed to the following patentably distinct species of the claimed invention:

- Species A: Fig. 1; and
- Species B: Fig. 3.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

4. During a telephone conversation with applicant's attorney, Frank Mackenzie, on 18 October 2004 a provisional election was made with traverse to prosecute the invention of Species B, claims 1-6 and 13-18. Affirmation of this election must be made by applicant in replying to this Office action. Claims 7-12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected species.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-6 and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.**

**S. Patent Application No. US 2001/0034284 A1 to Sugiura et al.**

**Claims 1-6 and 13-18:**

Sugiura (i.e., Fig. 8; paragraph [0095] – [0096]) discloses an automatic transmission comprising:

- An input (2);
- An output (3);
- A planetary gear system having first compound planetary gear unit, second and third simple planetary gear units, each gear unit including a sun gear, a ring gear, planet pinions meshing with the sun gear and with the ring gear, and a carrier (see Fig. 8);
- Wherein the input is driveably connected to the sun gear (S1) of the first gear unit;
- Wherein the output is driveably connected to the carrier (CR3) of the third gear unit;
- Wherein the ring gear (R3) of the third gear unit is driveably connected to the carrier (CR2) of the second gear unit;

- Wherein the carrier (CR1) of the first gear unit is secured against rotation;
- Wherein the sun gear (S2) of the second gear unit is driveably connected to the sun gear (S3) of the third gear unit;
- A first brake (B-2) for holding against rotation and releasing the ring gear (R2) of the second gear unit;
- A second brake (B-4) for holding against rotation and releasing the carrier (CR2) of the second gear unit and ring gear (R3) of the third gear unit;
- A first clutch (C-1) for driveably connecting and disconnecting the input and the sun gears (S2 and S3) of the second and third gear units;
- A second clutch (C-2) for driveably connecting and disconnecting the input (2) and carrier (CR2) of the second gear unit;
- A third clutch (C-3) for releasably and driveably connecting the ring gear (R1) of the first gear unit to the ring gear (R2) of the second gear unit;
- Wherein the second brake is, as shown in Fig. 8, a friction brake including a first element driveably connected to the carrier of the second gear unit and the ring gear of the third gear unit, and a second element secured against rotation, the first element and second element adapted to engage mutually, thereby holding the carrier of the second gear unit and ring gear of the third gear unit against rotation, and to disengage, thereby releasing the carrier of the second gear unit and ring gear of the third gear unit for independent rotation; and, an overrunning coupling (F-3), as shown in Fig. 8, inherently includes a third element driveably connected to the carrier of the second gear unit and ring gear of the third gear unit, and a

fourth element secured against rotation, and a fifth element located between the third and fourth elements for producing a one-way drive connection between the third element and fourth element (see i.e., paragraph [0058]);

- A transmission case (10);
- An engine (see i.e., paragraph [0055]); and
- A torque converter (see i.e., paragraph [0055]) inherently having an impeller driveably connected to the engine, and a turbine hydrokinetically coupled the impeller and driveably connected to the input shaft.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Winzeler (U. S. Patent No. 3,996,817) teaches a transmission comprising a torque converter having an impeller driveably connected to the engine, and a turbine hydrokinetically coupled the impeller and driveably connected to the input shaft, as shown in Fig. 1.
- Hattori (U. S. Patent No. 5,226,862) teaches a multiple planetary gear system as shown in Fig. 5.
- Usoro et al. (U. S. Patent No. 6,736,752) teaches a multi-speed transmission as shown in Fig. 11.
- Bucknor et al. (U. S. Patent No. 6,705,969) teaches a multi-speed transmission as shown in Figs. 3 and 9.


- Sugiura et al. (U. S. Patent No. 6,517,463) teaches an automatic transmission as shown in Fig. 8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 703-305-3690. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ddl

  
**CHARLES A MARMOR**  
SUPERVISORY PATENT EXAMINER  
ART UNIT 3681